

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean P. Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

March 24, 2023

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels and Magistrate Judge Netburn:

The Plaintiffs' Executive Committees write regarding the Court's Amended Report and Recommendation at ECF No. 8929, and the Court's previous Order of December 1, 2022, at ECF No. 8779. In the Court's December 1, 2022 Order, the Court indicated that "[a]ny order granting default judgment [against the Taliban] will include language staying its effect." The parties seeking default judgments against the Taliban asked for that relief in order to place those Plaintiffs in an equal position with each other and to prevent any plaintiff with a pending claim from being advantaged, or disadvantaged, by the fact that the Court incidentally adjudicated a given application before any other pending application. Although the Amended Report and Recommendation does not include the referenced language staying the effect (and we do not believe that the language is essential to the R&R), we are writing to ensure that any Order of the District Court that may adopt in whole or in part the Report & Recommendation will include "stay" language from the Court's December 1, 2022 Order.

Respectfully submitted,

MOTLEY RICE LLC

COZEN O'CONNOR

By: /s/ Robert T. Haeefe
ROBERT T. HAEFELE

By: /s/ Sean P. Carter
SEAN P. CARTER

The Honorable George B. Daniels
The Honorable Sarah Netburn
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cc: All Counsel of Record via ECF